

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

XUEDAN WANG, on behalf of herself and all
others similarly situated, MATTHEW JORDAN
WAGSTER, ERIN E. SPENCER, ALEXANDRA
RAPPAPORT, SARAH WHEELS, and CAITLIN
LESZUK,

Plaintiffs,

v.

THE HEARST CORPORATION,

Defendant.

ECF

12-cv-00793 (JPO)

ORAL ARGUMENT REQUESTED

**DECLARATION OF KRISTINA E. FINDIKYAN
IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

KRISTINA E. FINDIKYAN declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am Senior Counsel to Hearst Corporation, in the Office of the General Counsel, and am an attorney for Defendant Hearst Corporation in this matter. I make this Declaration in support of Defendant's Motion for Summary Judgment. The matters stated herein are true of my own personal knowledge, except for those matters stated on information and belief, which matters I believe to be true.

2. A true and correct copy of the Declaration of Sarah T. Abbey (*Seventeen* magazine), dated March 29, 2012, is attached hereto as Exhibit A.

3. A true and correct copy of the Declaration of Abigail Greene (*Cosmopolitan* magazine), dated April 3, 2012, is attached hereto as Exhibit B.

4. A true and correct copy of the Declaration of Amy Helmus Ascalon (Hearst

Magazines Human Resources), including Exhibits A through B, dated April 4, 2012, is attached hereto as Exhibit C.

5. A true and correct copy of the Declaration of Donald Perri (*Esquire* magazine), including Exhibit A, dated April 2, 2012, is attached hereto as Exhibit D.

6. A true and correct copy of the Declaration of Kathy Riess (*Marie Claire* magazine), including Exhibit A, dated April 2, 2012, is attached hereto as Exhibit E.

7. A true and correct copy of the Declaration of Scherri Roberts (Hearst Magazines Human Resources), including Exhibits A and B, dated April 4, 2012, is attached hereto as Exhibit F.

8. A true and correct copy of the Declaration of Andrea Rosengarten (*Harper's Bazaar* magazine), dated April 2, 2012, is attached hereto as Exhibit G.

9. A true and correct copy of the deposition transcript of Caitlin Leszuk, dated January 4, 2013, is attached hereto as Exhibit H.

10. A true and correct copy of a document, which was marked as Exhibit 1 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit I.

11. A true and correct copy of a document bearing Bates numbers D0001751-56, and D0001795-96, which was marked as Exhibit 11 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit J.

12. A true and correct copy of a document bearing Bates numbers P0001830-33, which was marked as Exhibit 14 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit K.

13. A true and correct copy of a document bearing Bates number P0001871, which was marked as Exhibit 21 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit L.

14. A true and correct copy of a document bearing Bates numbers P0001850-52, which was marked as Exhibit 20 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit M.

15. A true and correct copy of a document bearing Bates numbers P0001868-70, which was marked as Exhibit 22 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit N.

16. A true and correct copy of the deposition transcript of Alexandra Rappaport, dated January 17, 2013, is attached hereto as Exhibit O.

17. A true and correct copy of a document bearing Bates number P0001908, which was marked as Exhibit 1 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit P.

18. A true and correct copy of a document bearing Bates numbers P0001909-12, which was marked as Exhibit 2 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit Q.

19. A true and correct copy of Rappaport's Response to Defendant's First Set of Interrogatories, dated January 10, 2013, which was marked as Exhibit 4 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit R.

20. A true and correct copy of a document bearing Bates numbers P0001973-74, which was marked as Exhibit 9 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit S.

21. A true and correct copy of a document bearing Bates numbers P0001987-88, which was marked as Exhibit 10 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit T.

22. A true and correct copy of a document bearing Bates number P0001920, which was marked as Exhibit 12 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit U.

23. A true and correct copy of a document bearing Bates number P0001986, which was marked as Exhibit 13 in the deposition of Alexandra Rappaport, is attached hereto as Exhibit V.

24. A true and correct copy of the deposition transcript of Erin Spencer, dated December 7, 2012, is attached hereto as Exhibit W.

25. A true and correct copy of a document bearing Bates numbers P0000564-66, which was marked as Exhibit 1 in the deposition of Erin Spencer, is attached hereto as Exhibit X.

26. A true and correct copy of a document bearing Bates number P0000609, which was marked as Exhibit 6 in the deposition of Erin Spencer, is attached hereto as Exhibit Y.

27. A true and correct copy of a document bearing Bates number P0000715, which was marked as Exhibit 8 in the deposition of Erin Spencer, is attached hereto as Exhibit Z.

28. A true and correct copy of a document bearing Bates number P0000716, which was marked as Exhibit 13 in the deposition of Erin Spencer, is attached hereto as Exhibit AA.

29. A true and correct copy of a document bearing Bates number P0000709, which was marked as Exhibit 15 in the deposition of Erin Spencer, is attached hereto as Exhibit BB.

30. A true and correct copy of a document bearing Bates numbers P0000718-29, which was marked as Exhibit 16 in the deposition of Erin Spencer, is attached hereto as Exhibit CC.

31. A true and correct copy of a document bearing Bates numbers P0000730-32, which was marked as Exhibit 17 in the deposition of Erin Spencer, is attached hereto as Exhibit DD.

32. A true and correct copy of a document bearing Bates numbers P0000734-44, which was marked as Exhibit 18 in the deposition of Erin Spencer, is attached hereto as Exhibit EE.

33. A true and correct copy of a document bearing Bates number P0000770, which was marked as Exhibit 19 in the deposition of Erin Spencer, is attached hereto as Exhibit FF.

34. A true and correct copy of a document bearing Bates number P0000767, which was marked as Exhibit 20 in the deposition of Erin Spencer, is attached hereto as Exhibit GG.

35. A true and correct copy of a document bearing Bates numbers P0001026-27, which was marked as Exhibit 22 in the deposition of Erin Spencer, is attached hereto as Exhibit HH.

36. A true and correct copy a document bearing Bates numbers P0001484-85, which was marked as Exhibit 25 in the deposition of Erin Spencer, is attached hereto as Exhibit II.

37. A true and correct copy of an email chain dated August 12, 2010, which was marked as Exhibit 31 in the deposition of Erin Spencer, is attached hereto as Exhibit JJ.

38. A true and correct copy of a document bearing Bates number D0001338, is attached hereto as Exhibit KK.

39. A true and correct copy of the deposition transcript of Matthew Wagster, dated November 30, 2012, is attached hereto as Exhibit LL.

40. A true and correct copy of documents bearing Bates numbers P0000542-43, and P0000539, which were marked as Exhibit 7 in the deposition of Matthew Wagster, are attached hereto as Exhibit MM.

41. A true and correct copy of an email dated November 25, 2012, which was marked as Exhibit 15 in the deposition of Matthew Wagster, is attached hereto as Exhibit NN.

42. A true and correct copy of the deposition transcript of Xuedan Wang, dated December 18, 2012, is attached hereto as Exhibit OO.

43. A true and correct copy of a document bearing Bates numbers P0000020-22, which was marked as Exhibit 8 in the deposition of Xuedan Wang, is attached hereto as Exhibit PP.

44. A true and correct copy of a document bearing Bates numbers P0000053-54, which was marked as Exhibit 10 in the deposition of Xuedan Wang, is attached hereto as Exhibit QQ.

45. A true and correct copy of a document bearing Bates numbers P0000055-56, which was marked as Exhibit 11 in the deposition of Xuedan Wang, is attached hereto as Exhibit RR.

46. A true and correct copy of a document bearing Bates number P0000354, which was marked as Exhibit 15 in the deposition of Xuedan Wang, is attached hereto as Exhibit SS.

47. A true and correct copy of a document bearing Bates number P0000397, which was marked as Exhibit 18 in the deposition of Xuedan Wang, is attached hereto as Exhibit TT.

48. A true and correct copy of documents bearing Bates numbers P0000398 and P0000400-01, which were marked as Exhibit 19 in the deposition of Xuedan Wang, are attached hereto as Exhibit UU.

49. A true and correct copy of a document bearing Bates numbers P0000404-06, which was marked as Exhibit 20 in the deposition of Xuedan Wang, is attached hereto as Exhibit VV.

50. A true and correct copy of the deposition transcript of Sarah Wheels, dated January 23, 2013, is attached hereto as Exhibit WW. Pages 259-60 and 262-63 of the Wheels deposition transcript were designated confidential and accordingly have been omitted from all filings.

51. A true and correct copy of a document, which was marked as Exhibit 7 in the deposition of Sarah Wheels, is attached hereto as Exhibit XX.

52. A true and correct copy of a document bearing Bates numbers P0002074-76, which was marked as Exhibit 10 in the deposition of Sarah Wheels, is attached hereto as Exhibit YY.

53. A true and correct copy of a document bearing Bates numbers P0002166-68, which was marked as Exhibit 11 in the deposition of Sarah Wheels, is attached hereto as Exhibit ZZ.

54. A true and correct copy of a document bearing Bates numbers P0002173-74, which was marked as Exhibit 15 in the deposition of Sarah Wheels, is attached hereto as Exhibit AAA.

55. A true and correct copy of the Declaration of Patricia Slate (former U.S. Department of Labor, Wage and Hour Division), dated April 4, 2012, is attached hereto as Exhibit BBB.

56. A true and correct copy of a letter to Hon. Hilda L. Solis, dated April 28, 2010, is attached hereto as Exhibit CCC.

57. A true and correct copy of the Declaration of Alyssa Bailey, dated January 11, 2013, is attached hereto as Exhibit DDD.

58. A true and correct copy of the Declaration of Samuel Broekema (*Harper's Bazaar* magazine), dated March 23, 2012, is attached hereto as Exhibit EEE.

59. A true and correct copy of the Declaration of Katie Riordan, dated January 2, 2013, is attached hereto as Exhibit FFF.

60. A true and correct copy of the Declaration of Melanie Rush (Fashion Institute of Technology), dated March 23, 2012, is attached hereto as Exhibit GGG.

61. A true and correct copy of the Declaration of Casey Sullivan, dated January 4, 2013, is attached hereto as Exhibit HHH.

62. A true and correct copy of a document bearing Bates number D0000948, is attached hereto as Exhibit III.

63. A true and correct copy of a document bearing Bates numbers D0007546-47, which was marked as Exhibit 24 in the deposition of Caitlin Leszuk, is attached hereto as Exhibit JJJ.

64. Exhibit KKK is intentionally omitted.

65. A true and correct copy of a document bearing Bates numbers P0000597, which was marked as Exhibit 11 in the deposition of Erin Spencer, is attached hereto as Exhibit LLL.

I declare under the penalty of perjury under the laws of the State of New York and the United States of America that the foregoing is true and correct.

Executed this 29th day of January, 2016, in New York, New York.

/s/ Kristina E. Findikyan
Kristina E. Findikyan

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing to be served on all counsel of record, this 29th day of January, 2016, by operation of the Court's CM/ECF electronic filing system.

/s/ Kristina E. Findikyan
Kristina E. Findikyan